

Remarks

Claims 1-17 are pending in the application. Claims 1-10 have been rejected. No claims have been amended. Claims 11-17 were previously added and not acknowledged by the Examiner. The Applicant respectfully requests acknowledgement of previously added claims 11-17 by the Examiner.

Specification:

The disclosure is objected to because of informalities in paragraphs [0001] and [0005] of the specification that refer to the claims. Paragraphs [0001] and [0005] have been amended to correct these informalities. Accordingly, withdrawal of this objection is respectfully requested.

Claim Rejections – 35 USC §102:

Claims 1-10 stand rejected under 35 USC §102(b) as being anticipated by German reference DE 199 59 317 C1 (the ‘317 reference).

The Examiner states that the ‘317 reference discloses, in part, “the adjacent frame part, preceding the rear frame part in the direction of travel when roof is closed, can be moved without a force transfer through the rear frame part by at least one drive provided for roof opening, and the rear frame part is suspended on a gear mechanism that transfers the drive force and can be moved by the drive force and, wherein the gear mechanism includes a pair of substantially parallel links operatively connected to the frame parts.”

For a rejection grounded in anticipation under §102 to be proper, every element and limitation recited in the rejected claim(s) must be found in the cited 102 reference. *See* MPEP § 2131. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Id.*, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). *See also, In re Paulsen*, 30 F.3d 1475 (Fed. Cir. 1994). The MPEP restricts the prior art that may be cited by an Examiner in making a § 102(b) rejection to those where the “identical invention [is] shown in as complete detail as is contained in the ... [rejected] claim.” *Id.*, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

The claimed invention is not anticipated. Claim 1 recites, in part "adjacent frame part (6), preceding the rear frame part (5) in the direction of travel (F) when the roof (2) is closed, can be moved without a force transfer through the rear frame part (5) by at least one drive (9) provided for roof opening, and *the rear frame part (5) is suspended on a gear mechanism (10)* that transfers the drive force and can be moved by the drive force and, wherein the gear mechanism (10) includes a *pair of substantially parallel links (27, 18) operatively connected to the frame parts (5, 6).*" [Emphasis added]. The '317 reference does not disclose a gear mechanism including a pair of substantially parallel links that are operatively connected to the frame parts, as recited in claim 1. Instead, the '317 reference discloses that a front roof portion 4 precedes a rear roof portion 5 in the direction of travel F, as shown in Figures 1-4. Only the front roof portion 4 extends from the linkage 15, as shown in Figure 4. Therefore, the '317 reference fails to disclose or suggest the rear frame part being suspended on a *gear mechanism* and a pair of substantially *parallel links that are operatively connected to both of the frame parts*. Accordingly, claim 1 is allowable for at least these reasons.

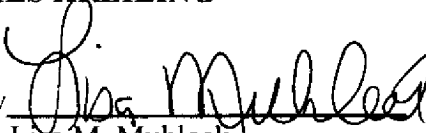
Claims 2-10, which depend from allowable claim 1, are also allowable for at least the same reasons that claim 1 is allowable.

CONCLUSION

This Amendment is believed to be fully responsive to the Office Action mailed May 29, 2008. The remarks in support of the rejected claims are believed to place this application in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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Date: 7/8/08

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